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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/905,482	07/13/2001	Edward W. Baldwin	R7560/261132	3693

23370 7590 10/14/2004

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EXAMINER

LANGEL, WAYNE A

ART UNIT PAPER NUMBER

1754

DATE MAILED: 10/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE
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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.

EXAMINER	
ART UNIT	PAPER NUMBER

DATE MAILED:

Below is a communication from the EXAMINER in charge of this application.

COMMISSIONER OF PATENTS, AND TRADEMARKS

ADVISORY ACTION

☒ THE PERIOD FOR RESPONSE IS EXTENDED TO RUN 6 MONTHS FROM THE DATE OF THE FINAL REJECTION.
855 O.G. 1109.

☒ Appellant's Brief is due in accordance with Rule 192 (a).

Applicant's response to the final rejection, filed 9-23-04, has been considered with the following effect, but it is not deemed to place the application in condition for allowance:

1. ☐ The proposed amendments to the claim and/or specification will not be entered and the final rejection stands because:
 - a. ☐ There is no convincing showing under Rule 116(b).
 - b. ☐ They raise new issues that would require further consideration and/or search.
 - c. ☐ They raise the issue of new matter.
 - d. ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
 - e. ☐ They present additional claims without cancelling a corresponding number of finally rejected claims.
 2. ☐ Newly proposed or amended claims _____ would be allowed if submitted in a separately filed amendment cancelling the non-allowable claims.
 3. ☒ Upon the filing of an appeal, the proposed amendment ☒ will be ☐ ~~will not be~~, entered and the status of the claims in this application would be as follows:
 - a. ☒ Claims 8-10 and 13 would be allowable. *if written in independent form.*
 - b. ☒ Claims 1, 2, 6, 7 and 11-18 would not be allowable.
- However:
- (1) ☐ The rejection of claims _____ on references is deemed to be overcome by applicant's response.
 - (2) ☒ The rejection of claims 1, 2 and 6-13 on non-reference grounds only is deemed to be overcome by applicant's response.
4. ☐ The affidavit, exhibit or request for reconsideration has been entered but does not overcome the rejection.
 5. ☐ The affidavit or exhibit will not be admitted because applicant has not shown good and sufficient reasons why it was not earlier presented.
 6. ☐ The application having been examined under the special accelerated examining procedure (M.P.E.P. 708.02), the proposed amendment has not been considered since it does not prima facie place the application in condition for allowance or in better condition for appeal.

Wayne A. Langel
WAYNE A. LANGEL
PRIMARY EXAMINER